

PENACHIO MALARA LLP  
Counsel for the Debtor  
235 Main Street  
White Plains, New York 10601  
(914) 946-2889

**HEARING DATE & TIME:**  
**SEPTEMBER 19, 2017 AT 1:30 PM**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
In re : CHAPTER 13  
  
NATALIE FATIGATE, CASE NO.: 16-35182 (CGM)  
:  
Debtor.  
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**STATUS REPORT AND REQUEST FOR ADJOURNMENT**

**TO: THE HONORABLE CECELIA G. MORRIS**  
**CHIEF UNITED STATES BANKRUPTCY JUDGE**

The status report regarding the Chapter 13 proceeding of **NATALIE FATIGATE**, the debtor herein (the "Debtor"), by her attorneys **PENACHIO MALARA LLP**, and her request for an adjournment of the Confirmation hearing respectfully represents, as follows:

1. The Debtor filed for Chapter 13 relief to address several obligations including the mortgage on her home at 8 Ricky Court, Hopewell Junction, NY 12533 (the "Home"). The Debtor, who is a nurse, owns the Home jointly with her non-debtor spouse, who is a firefighter.
2. Shellpoint Mortgage ("Shellpoint"), which serviced the mortgage, denied the Debtor a loan modification.
3. The Debtor's husband is pursuing borrowing funds from his New York State Deferred Compensation Plan ("NYSDCP") to cure the arrears. The Debtor's husband applied for a hardship loan.

4. By letter dated May 24, 2017, the NYSDCP requested documentation from Shellpoint regarding the threat of foreclosure. Counsel requested the information from Shellpoint a number of times. Several follow up emails were sent to the counsel for Shellpoint, the Druckman Law firm.

5. Finally, on September 13, 2017, counsel for Shellpoint notified the undersigned that the lender had changed servicers – FCI Lending will be servicing the loan. A copy of the email chain is attached.

6. The Debtor and her husband will be reaching out to FCI Lending with respect to the information that they so urgently require and will ask also inquire about the possibility of a modification.

7. The Debtor respectfully requests that the Court adjourn confirmation to a date in November.

Dated: White Plains, NY  
September 13, 2017

PENACHIO MALARA, LLP

By: /s/ Anne Penachio  
Anne Penachio, Esq.  
Counsel for Debtor  
235 Main Street, Suite 610  
White Plains, NY 10601  
Telephone: (914) 946-2889

## **Anne Penachio**

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**From:** Amelia Jenkins <ajenkins@dlgnylaw.com>  
**Sent:** Wednesday, September 13, 2017 9:07 AM  
**To:** Anne Penachio; Jennifer Raggo  
**Cc:** Stuart Druckman; Mary Marsh  
**Subject:** RE: Natalie Fatigate, Ch. 13 Case No.: 16-35182(cgm)

Good Morning Ms. Penachio,

We were just Advised that this loan was service transferred. I am not sure what Law firm is handling this now, but below is the new loan information.

FCI Lending loan #9160021964  
Michele Boiko - FCI BK contact ([mboiko@trustfci.com](mailto:mboiko@trustfci.com) )

Thank you,  
Amelia

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**From:** Anne Penachio [mailto:[Anne@pmlawllp.com](mailto:Anne@pmlawllp.com)]  
**Sent:** Thursday, September 07, 2017 9:51 AM  
**To:** Jennifer Raggo; Amelia Jenkins  
**Cc:** Stuart Druckman; Mary Marsh  
**Subject:** RE: Natalie Fatigate, Ch. 13 Case No.: 16-35182(cgm)

See below. Any update on this?

Anne Penachio  
Penachio Malara LLP  
Attorney at Law  
235 Main Street  
White Plains, NY 10601  
(914) 946-2889

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**From:** Jennifer Raggo  
**Sent:** Thursday, August 17, 2017 12:30 PM  
**To:** [ajenkins@dlgnylaw.com](mailto:ajenkins@dlgnylaw.com)  
**Cc:** Anne Penachio <[Anne@pmlawllp.com](mailto:Anne@pmlawllp.com)>; Stuart Druckman <[sdruckman@dlgnylaw.com](mailto:sdruckman@dlgnylaw.com)>; Mary Marsh <[mmarsh@dlgnylaw.com](mailto:mmarsh@dlgnylaw.com)>  
**Subject:** RE: Natalie Fatigate, Ch. 13 Case No.: 16-35182(cgm)  
**Importance:** High

Dear Ms. Jenkins:

Please see the attached correspondence from Anne Penachio following up with the reinstatement figures from Shellpoint.

Thank you.



**PENACHIO MALARA, LLP**  
ATTORNEYS

## Jennifer Raggio

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Loss Mitigation/Bankruptcy Specialist  
Penachio Malara, LLP  
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(914) 946-2889 (Phone)  
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[jraggo@pmlawllp.com](mailto:jraggo@pmlawllp.com)

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**From:** Jennifer Raggio  
**Sent:** Wednesday, July 05, 2017 12:21 PM  
**To:** 'ajenkins@dlgnylaw.com' <[ajenkins@dlgnylaw.com](mailto:ajenkins@dlgnylaw.com)>  
**Cc:** Anne Penachio <[Anne@pmlawllp.com](mailto:Anne@pmlawllp.com)>; Stuart Druckman <[sdruckman@dlgnylaw.com](mailto:sdruckman@dlgnylaw.com)>; 'Mary Marsh' <[mmarsh@dlgnylaw.com](mailto:mmarsh@dlgnylaw.com)>  
**Subject:** Natalie Fatigate, Ch. 13 Case No.: 16-35182(cgm)

Dear Ms. Jenkins:

Please see the attached correspondence regarding the requests for balances of arrears due on the above-referenced debtor's mortgage with Shellpoint.

Thank you.



**PENACHIO MALARA, LLP**  
ATTORNEYS

## Jennifer Raggio

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